

# briefing

## Sudan

*Seizure of the guesthouse of the Episcopal Church of Sudan*

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## **1. Summary**

CSW is deeply concerned by the continuing confiscation of the guesthouse owned by the Episcopal Church of Sudan (ECS)

## **2. Events Leading to the Seizure**

On the morning of Thursday 20 May 2004, police in Khartoum entered the ECS guesthouse and enforced an eviction notice. The building also serves as the offices of the Archbishop of the ECS and of the Diocese of Renk.

Two months prior to this event, a defrocked ECS bishop named Gabriel Roric Jur had illegally sold the property to a Sudanese Arab company called Al Ghazal Residence Enterprises, a subsidiary of the United Al Azra Company. At the time Mr. Roric Jur also held a senior post in the Sudanese government. He had been expelled from the ECS in 2003, but had impersonated the Archbishop of the ECS in order to facilitate the sale of the guesthouse. According to local sources, there is no proper sales purchase document, and the signature on the new title deed of the person purporting to represent the church is that of a Muslim.

The new 'owners' of the guesthouse began legal proceedings against Mr. Roric Jur in an attempt to ensure vacant possession of the property. He was summoned to court on several occasions, and was referred to as the 'Archbishop of the Episcopal Church' in court documents. After Mr. Roric Jur consistently failed to appear before the court, a Shari'ah Court judge ordered the seizure of the property.

The ECS was oblivious to these events and received no prior warning that a seizure was imminent. On the morning in question, police arrived at the building with trucks and labourers and ordered the immediate clearance of all furniture, carpets and effects. Members of staff were warned that force would be used against them if they did not comply with the order, and that three truck loads of armed riot police were on hand at the gates of the building for this very purpose. In order to prevent any violence, staff members agreed to vacate the premises as requested. According to local sources, once all of the Christians had left a Muslim rite was conducted, whereby two sheep were sacrificed at the gate of the property in order "to purify and rededicate" the site.

## **3. Lack of Judicial Remedy**

Following the seizure, the ECS immediately began legal proceedings, firstly against Roric Jur and then against the supposed new owners of their building. In June 2004, the Church won an injunction barring any alterations to or use of the property prior to a judicial ruling on the case.

On 9 December 2004 church officials who were passing the building noted that the United Al Azra Company had begun to undertake significant alterations to the premises in defiance of the court injunction. The ECS Interim Provincial secretary Rev. Enock Tombe reported seeing workers "removing floor tiles and replacing them with new ones, changing the plumbing, putting metal frames around the windows and doors, and even extending the perimeter wall." The ECS attorney immediately filed an objection before the Khartoum Public Court but received no response from the company until 6 February 2005, when lawyers for the company claimed that no maintenance work was being undertaken on the premises.

On 5 February the ECS again received reports of extensive work on the property. The reports were accompanied by photographic evidence of over half a dozen workers moving in and around the building, pushing wheelbarrows, and shoveling sand.

On 16 February the presiding judge transferred the case to the jurisdiction of Judge Wahhabi Ibrahim, claiming he was unable to devote sufficient time to the problem. The new judge set a hearing for 15 March, and ordered Dr. Saad Fadul, a local engineer, to examine the site and submit a report to the court. Dr Fadul's report confirmed that extensive building work was underway both within and outside the guesthouse which amounted to 'a complete renovation of the building'.

When hearings resumed on 15 March, Judge Wahhabi Ibrahim refused to enforce the injunction. The news agency Compass Direct reports that in an aside to the church's lawyer, the Judge stated that it was up to him (the Judge) to decide whether or not the law had been broken. He is also reported to have dismissed the church's request for a guard to be posted at the gate of property and to have informed the lawyer that he saw no reason for the ECS to be anxious since the church would ultimately 'get the property back in better shape than it was before'.

Whilst at court, the ECS also received reports that the Al Ghazal Company had occupied the building, although its representatives denied this. The court case was scheduled to resume on 4 April. CSW is awaiting an update on events. In the meantime Mr. Roric Jur has written a rambling newspaper article claiming that he had a right to sell the property since, he alleges, it belonged to the Reformed Episcopal Church of Sudan (RECS), a church that he set up after being expelled from the ECS, and which was not in existence when the guesthouse was initially purchased.

#### **4. Implications for Religious Freedom**

Although the current constitution of Sudan provides for religious freedom, adherents to non-Muslim religions have always experienced difficulties in northern Sudan. These have included the arbitrary seizure of church property, the denial of permission to construct new churches, the bulldozing of temporary religious structures in camps for the internally displaced, the non-recognition of Sunday as a day of worship for Christians, the subjection of Christians to Shari'ah punishments and discrimination in the granting of government contracts and trade licenses to Christian businessmen.

As the largest church in Sudan, the ECS has faced its share of problems with government authorities, and relations have been exacerbated by the role assumed by former Bishop Roric Jur within the northern regime:

- In 1971, the Church's old Cathedral was confiscated
- In 1997 attempts were made to seize the Diocesan headquarters in Omdurman
- In April 2002 police attacked a prayer gathering at All Saints Cathedral damaging the church, injuring several Christians and arresting 105 people. A Public Order Court judge subsequently summarily sentenced 57 of them, including women and young boys, to flogging.
- In December 2003, local officials in Renk in Upper Nile State demolished an ECS school owned by the ECS to make way for a new highway. Although an agreement was reached whereby the church would receive land for a new school and financial compensation, in May 2004 the security services disrupted the construction of the new school and, according to reports, very little compensation has so far been received

## **5. Conclusion and Recommendations**

It is disturbing that the Al Azra Company continues to be in possession of a building that was acquired in a flawed and fraudulent transaction. It is also alarming that no action has so far been taken against Mr. Roric Jur, despite the existence of incriminating documents that implicate him in serious fraud. In January 2005 Archbishop Morona presented the Government of Sudan with documentary evidence of the involvement of members of the Sudanese establishment in the illegal sale. In one of these documents Mr. Roric Jur is reported to have used the letter-headed stationery of the ruling National Congress Party to announce plans to reorganize the ECS under his own leadership of the ruling National Congress Party and to have copied this letter to several government ministries. However, as far as CSW is aware, no investigations have ensued. Of additional concern is the fact that no punitive measures has been taken by the Khartoum Public Court against the Al Azra Company despite evidence from a Court appointed investigator that clearly indicates that the company is in gross violation of the court order.

The continuing confiscation of the guesthouse highlights the vulnerability of Christians in northern Sudan under the current political dispensation. Moreover, the arduous process of reclaiming this building does not augur well for the rights of Christians in northern Sudan and raises the spectre of continuing discrimination during the post-war era. In the absence of decisive action by the judiciary, it is vital that, as a sign of good faith, the Sudanese government moves to facilitate the speedy return of the guesthouse to its rightful owners and to ensure that anyone involved in this fraud is swiftly brought to justice.

### ***5.1. CSW calls on the European Union (EU)***

- To raise this injustice as a matter of urgency with the Sudanese government, urging it to expedite due legal process against Mr. Roric Jur and the Al Azra Company, and to ensure the restoration of the property to the ECS
- To request that the need for guarantees for the rights of Christians and other non-Muslims living in the north is included as a salient issue in current negotiations on a new Sudanese constitution.
- To call on the government to either ensure that the school in Renk is returned to the ECS, or that adequate compensation is paid to the Church and the construction of a new school is allowed to continue unhindered